

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

Cr. No. 4:20-cr-220

ADAM ALBERT SANCHEZ

DEFENDANT'S SENTENCING MEMORANDUM AND MOTION FOR VARIANCE

Introduction

Adam Sanchez will be sentenced on January 27, 2022. There is no plea agreement in this matter. The Presentence Investigation Report states that Mr. Sanchez's sentence is a level 39 Category I which provides for an advisory guideline range of 262 to 327 months and is found in Zone D of the Sentencing Table.

Mr. Sanchez, prior to this conviction has led an exemplary life. He graduated from high school and attended some college. He had been employed at the same job for 22 years. In the instant case there is one minor victim. No other victims are evidenced after a thorough forensic search of his cell phone and home computer.

Prior to and after the offense Mr. Sanchez was suffering from medical and mental health conditions which severely affected him both physically and mentally. Mr. Sanchez suffered from a pituitary gland disorder which necessitated being prescribed testosterone, and led to bone degeneration, calcium deficiency and pericarditis. The Bureau of Prisons does not allow inmates to be prescribed testosterone. Thus, he is not receiving that prescription for his underlying health issue.

After attempting to commit suicide, Mr. Sanchez was hospitalized at Cypress Creek Psychiatric Facility on February 29, 2020. There he was diagnosed with a major depressive disorder, recurrent, severe, and was prescribed the antidepressant medication Wellbutrin and psychotherapy. This hospitalization occurred in the same month February 2020 that he and the

minor victim had met on about five occasions. The Bureau of Prisons does not administer the antidepressant Wellbutrin but has prescribed Prozac for Mr. Sanchez as an antidepressant.

Mr. Sanchez was arrested March 9, 2020 from the Cypress Creek Psychiatric facility for this offense. Please see Exhibits A and B.

Although Mr. Sanchez is not claiming an insanity defense in this matter, he was significantly affected by his health and mental health conditions, and his conduct appears to be a significant aberration from his prior life.

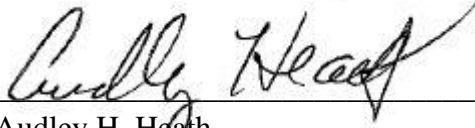
Mr. Sanchez is mindful of the advisory nature of the sentencing guidelines and pursuant to Booker and its progeny respectfully requests that the court consider a sentence in variance from the proposed sentencing guideline range. In this vein Mr. Sanchez is proposing that the Guidelines range is not presumptively reasonable and that the sentence be based in the facts presented. *Gall v. United States*, 128 S. Ct. 586; 169 L. Ed. 2d 445; 2007 U.S.LEXIS 13083; 76 U.S.L.W. 4009 (Dec. 2007).

The statute under which Mr. Sanchez is convicted 18 U.S.C. § 2251(a) and (e) has a sentencing range of 15-30 years (180 months to 360 months). Because of Mr. Sanchez's crimeless prior life and his significant mental health and health issues at or about the time of the offense, he requests that his case be considered for a variance from the guideline range. He proposes that a sentence in the lower part of the statutory sentencing range would be sufficient taking into consideration the whole person to be sentenced and the Court's consideration of the statutory factors of sentencing set out in 18 U.S.C. § 3553 (a).

Conclusion

Mr. Sanchez understands that the Judge has the onerous task of deciding an appropriate sentence for him. He prays the Court consider this Motion for Variance and sentence him accordingly.

Respectfully submitted,



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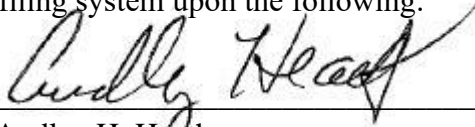
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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2022, a copy of the attached *Defendant's Sentencing Memorandum and Motion for Variance* was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:



Audley H. Heath